

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE**

**UNITED STATES OF AMERICA,**

**v.**

**GERALD E. BURRELL**

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**No. 3:07-CR-48  
(Phillips)**

**ORDER OF COMMITMENT FOR MENTAL EXAMINATION**

This matter came before the court on November 15, 2007, for a change of plea. During the plea colloquy, the court became concerned as to the defendant's competency to enter a plea based on the defendant's answers to the court's questions. After conferring with counsel, the court has determined that a psychological examination is in the best interest of the defendant. Accordingly, defendant shall be examined pursuant to the provisions of 18 U.S.C. §§ 4241 and 4242.

The names, addresses, and telephone numbers of the Assistant United States Attorney, defense counsel, and defendant's pretrial services officer are:

- (a) Government's counsel: Ed Schmutzer  
PO Box 872, Knoxville, TN 37902  
865/545-4167
- (b) Defense counsel: Kim Tollison  
Federal Defender Services  
800 S. Gay Street, Suite 2400, Knoxville, TN 37929  
865/637-7979
- (c) Probation officer: Myra Melton  
800 Market Street, Ste 311, Knoxville, TN 37902  
865/545-4001

**IT IS THEREFORE ORDERED:**

1. That the United States Marshal is hereby directed to transport the defendant to the nearest suitable psychiatric facility (hospital) for purposes of psychiatric evaluation, pursuant to 18 U.S.C. § § 4241 and 4242. Said commitment shall be for a reasonable period not to exceed forty-five (45) days, unless otherwise ordered, and such reasonable period to commence upon defendant's arrival at the examining facility.

2. That the receiving facility and doctor in whose primary care the defendant is placed shall file a written report with this court as soon as practicable with copies to counsel for the government and the defendant, said report to include:

- a. the defendant's history and present symptoms;
- b. a description of the psychiatric, psychological, and medical tests that were employed and the results;
- c. the examiner's findings; and
- d. the examiner's opinions as to diagnosis, prognosis, and
  - 1. whether the defendant is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense; and
  - 2. whether defendant suffered from such mental disease or defect which rendered him insane at the time of the offenses charged.

3. The defendant be given any necessary medications if determined appropriate to do so by the medical staff at the facility.

4. That the psychiatrist/psychologist have access to any pretrial services and probation reports completed on the defendant in this case.

5. That the psychiatrist/psychologist have access to all available medical records on the defendant.

6. The United States Marshal shall notify the clerk of the court and the undersigned's office promptly when defendant returns to this jurisdiction from the mental evaluation. A competency hearing will then be scheduled.

7. The Clerk is **DIRECTED** to serve a copy of this order on all counsel of record, to forward a copy to the Probation officer, and to serve three certified copies on the U.S. Marshal.

**IT IS SO ORDERED.**

**ENTER:**

s/ Thomas W. Phillips  
United States District Judge